

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

COURTHOUSE NEWS SERVICE,

Plaintiff,

v.

Case No. 2:18-cv-00391-HCM-LRL

GEORGE E. SCHAEFER, in his official
capacity as Clerk of the Circuit Court for
Norfolk, Virginia, and JACQUELINE C.
SMITH, in her official capacity as Clerk
of the Circuit Court for Prince William
County, Virginia,

Defendants.

**PLAINTIFF COURTHOUSE NEWS SERVICE'S
MOTION FOR PRELIMINARY INJUNCTION**

Plaintiff Courthouse News Service (“CNS”), by counsel and pursuant to Federal Rule of Civil Procedure 65, moves this Court for an Order issuing preliminary injunctive relief enjoining Defendants George E. Schaefer, in his official capacity as Clerk of the Circuit Court for Norfolk, Virginia (the “Norfolk Clerk”), and Jacqueline C. Smith, in her official capacity as Clerk of the Circuit Court for Prince William County, Virginia (“Prince William Clerk”) (collectively referred to herein as “Defendants”) from continuing their practices and policies resulting in delayed access to newly-filed civil complaints, including, *inter alia*, their practices of denying access to newly-filed complaints until after administrative processing. CNS requests that the Court require Defendants to provide CNS contemporaneous access to civil filings, as required by the First Amendment.

The grounds for this Motion are more particularly set forth in the Memorandum of Support, which is simultaneously filed herewith. In further support of the relief requested by this

Motion, CNS also submits the Declaration of CNS' editor, publisher and founder William Girdner, dated July 17, 2018, attached to this Motion as **Exhibit A**; the Declaration of CNS' Southeast Regional Bureau Chief Ryan Abbott, dated July 17, 2018, attached hereto as **Exhibit B**; and the Declaration of former reporter and editor Mark Davis, dated July 2, 2018, attached hereto as **Exhibit C**. CNS also incorporates by reference the Complaint that has been filed concurrently with this Motion.

WHEREFORE, Plaintiff Courthouse News Service respectfully requests that the Court enter an order:

- a. Preliminarily enjoining Defendants, in their official capacities, including their agents, assistants, successors, employees, and all persons acting in concert or cooperation with them, or at their direction or under their control, from continuing their policies and practices resulting in delayed access to new civil complaints, including, *inter alia*, their practices of denying access to new complaints until after administrative processing, and requiring them to provide timely and contemporaneous access to newly-filed civil complaints.
- b. Declaring Defendants' policies and practices that knowingly effect delays in access to newly-filed civil complaints as unconstitutional under the First and Fourteenth Amendments to the United States Constitution, for the reason that Defendants' policies and practices constitute an effective denial of access to court records.
- c. Awarding costs and reasonable attorneys' fees pursuant to 42 U.S.C. § 1988; and
- d. Providing any and all other relief the Court deems just and proper.

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Dated: July 20, 2018

Respectfully submitted,

/s/

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